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Michael D. O'Shea

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DORITY & MANNING, P.A.  
POST OFFICE BOX 1449  
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EXAMINER

HENRY, RODNEY M

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/748,118	<b>Applicant(s)</b> O'SHEA ET AL.	
	<b>Examiner</b> RODNEY M. HENRY	<b>Art Unit</b> 4127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/23/2004, 8/20/2004, 11/26/2004, 7/5/2005</u> .              | 6) <input type="checkbox"/> Other: _____                          |



### **DETAILED ACTION**

The following is a non-final, first office action on the merits. Claims 1-65, as originally filed, are currently pending and have been considered below.

#### ***Claim Objections***

1. Claim 39 is objected to because of the following informalities: Claim 39 can not depend from claim 43. Examiner has construed claim 39 to depend from claim 37. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1–7, 11, 18-20, 22, 23, 27-30, 32, 33, 37-41, 46, 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Moskowitz et al. (US 6,938,002).**

**As per claim 1**, Moskowitz et al. discloses an electronic rebate system comprising:

at least one electronic tag device associated with products (Column 5, lines 25-26 discloses identification token 412 (of FIG. 4) is a radio frequency identification tag (RFID) on product 402), wherein each

distinct product is associated with at least one electronic tag (FIG 4 shows product 402 with a single RFID)), and

wherein said electronic tag stores product-identification-information (Column 2, lines 6-9 discloses a receipt identification token corresponding to a purchased product provides identification information on purchase location, purchase price, etc.); at least one electronic reading device configured to retrieve information from said electronic tag (FIG 4 shows the electronic reading device 404);

a first computer in communication with said electronic reading device to retrieve said product-identification-information stored in an electronic tag associated with a product being purchased by a customer at a point of sale (FIG. 4 shows computer 406, retrieving information from product 402);

said first computer further configured to use said product-identification-information to acquire rebate-claim-information (Column 6, lines 10-14 discloses a scenario where the user gets a rebate for providing product identification information (via the product evaluation form shown in FIG. 5) such as purchase location, which was disclosed as being provided by the receipt identification from a first computer as well); and said first computer further configured to communicate with a second computer and to transfer to said second computer said rebate-claim-information and wherein said transfer occurs substantially contemporaneous with the purchase (FIG. 4 shows a first computer in communication with a second computer, server 410 which receives information from client computer 406).

**As per claims 2** Moskowitz et al. discloses the electronic tag device is an RFID smart tag (Column 5, lines 25-26 discloses that identification token 412 of FIG. 4 is a radio frequency identification tag (RFID).

**As per claims 3** Moskowitz et al. discloses the electronic reading device is an RFID STR device (Column 5, line 4 discloses that reading device 404 of FIG. 4 scans identification token 412).

**As per claim 4**, Moskowitz et al. discloses a customer interface configured to receive product-rebate-information from at least one of said first computer and said second computer (FIG 4. discloses reading device 404 reading the barcode or identifying mark from product 402 and reading device being a part of client computer 406).

**As per claim 5**, Moskowitz et al. discloses product-rebate information is one of real-time information and near real-time information (Column 6, lines 9-14 discloses that upon completion of the product information, the cash rebate is offered).

**As per claim 6**, Moskowitz et al. discloses product-identification-information comprises at least one member from the group consisting of: (a) product model number; (b) product serial number; (c) rebate promotion code; (d) product name; (e) identification code; (f) proof-of-purchase code; and (g) an electronic address (Column 5, lines 6-7 discloses a universal product code (UPC), construed to be identification code).

**As per claim 7**, Moskowitz et al. discloses rebate-claim-information comprises at least one member from the group consisting of:

(a) customer name; (b) customer's financial institution tracking number; (c) customer's account number at customer's financial institution; (d) customer's mailing address; (e) customer's e-mail address; (f) customer's phone number; (g) customer's credit card number; (h) customer's debit card number; (i) a pin code; (j) an authorization code; (k) customer's electronic signature; (l) product model number; (m) product serial number; (n) rebate promotion code; (o) product name; (p) an electronic address; (q) proof-of-purchase code; (r) date of purchase; (s) time of purchase; (t) product identification code; (u) product information; (v) retailer name; (w) retailer location; (x) retailer identification code; and (y) transaction code. (Column 6, lines 9-14 discloses that upon completion of the product information, such as date of purchase, as shown in FIG. 5, the cash rebate is offered).

**As per claims 11**, Moskowitz et al. discloses that a first computer is a retailer central computer (Column 6, lines 20-31 discloses a kiosk in a retail environment, where client computer 406 is a central computer).

**As per claim 18**, Moskowitz et al. discloses an electronic rebate system comprising:

a first computer configured to receive rebate-claim-information from a first remote computer (FIG. 4 shows first computer 410 set up to receive rebate claim information from remote computer 406); wherein  
said rebate-claim-information relates to a product being purchased by a customer at a point of sale (Column 6, lines 10-14 discloses a scenario where the user gets a rebate

for providing product identification information such as purchase location of a product purchased);

said first computer further configured to evaluate the rebate claim using at least part of said rebate-claim-information (Column 6, lines 10-14 discloses a scenario where the user gets a rebate for providing product identification information (via the product evaluation form shown in FIG. 5) such as purchase location, which was disclosed as being provided by the receipt identification from a first computer as well);

said first computer further configured to initiate a transfer of rebate-claim-status information to at least one of (a) said first remote computer, and (b) a second remote computer located at the point of sale (FIG. 1 shows a first computer 104 in communication with second computers, client computers 108, 110 or 112, which can be at various points-of-sale);

**As per claim 19**, Moskowitz et al. discloses at least part of said rebate-claim-information is retrieved from an electronic tag associated with said product (Column 7, lines 30-44 discloses product 750 of FIG. 7 having its barcode (electronic tag) getting scanned and product evaluation information being retrieved for a form. Once the form is completed the reward (rebate) is dispensed to the user).

**As per claims 20**, Moskowitz et al. discloses the electronic tag device is an RFID smart tag (Column 5, lines 25-26 discloses that identification token 412 of FIG. 4 is a radio frequency identification tag (RFID)).

**As per claim 22**, Moskowitz et al. discloses a second remote computer is a portable customer computer in communication with at least one of said first computer and said first remote computer via a wireless communication connection (Column 6, lines 22-28 discloses client computer 406 of FIG. 4 as a PDA (portable computer) is in communication with a first computer via a LAN. Column 2 lines 58-59 discloses wireless communication links).

**As per claims 23**, Moskowitz et al. discloses rebate claim information comprises at least one member from the group consisting of: (a) customer name; (b) customer's financial institution tracking number; (c) customer's account number at customer's financial institution; (d) customer's mailing address; (e) customer's e-mail address; (f) customer's phone number; (g) customer's credit card number; (h) customer's debit card number; (i) a pin code; (j) an authorization code; (k) customer's electronic signature; (l) product model number; (m) product serial number; (n) rebate promotion code; (o) product name; (p) an electronic address; (q) proof-of-purchase code; (r) date of purchase; (s) time of purchase; (t) product identification code; (u) product information; (v) retailer name; (w) retailer location; (x) retailer identification code; and (y) transaction code (Column 5, lines 62-67 discloses the user address gets encoded onto the bar code and becomes part of the rebate claim information via the product evaluation form).

**As per claim 27**, Moskowitz et al. discloses a method for electronically making a rebate claim, said method comprising:

providing at least one electronic reading device configured to retrieve information

from said electronic tag associated with a purchased product (FIG 4 shows the electronic reading device 404, retrieving information from product 402);

configuring a first computer to communicate with said electronic reading device to retrieve said product-identification-information stored in an electronic tag associated with a product being purchased by a customer at a point of sale thereby acquiring product-identification-information (FIG. 4 shows computer 406, retrieving information for product 402 via the electronic reading device 404);

configuring said first computer further to acquire rebate-claim-information using at least part of said product-identification-information (Column 6, lines 10-14 discloses a scenario where the user gets a rebate for providing product identification information (via the product evaluation form shown in FIG. 5) such as purchase location, which was disclosed as being provided by the receipt identification from a first computer as well); and configuring said first computer to initiate a data transfer of said rebate-claim-information to a second computer (FIG. 4 shows a first computer in communication with a second computer, server 410 which receives information (rebate claim information) from client computer 406).

**As per claims 28**, Moskowitz et al. discloses the electronic tag device is an RFID smart tag (Column 5, lines 25-26 discloses that identification token 412 of FIG. 4 is a radio frequency identification tag (RFID)).

**As per claims 29** Moskowitz et al. discloses the electronic reading device is an RFID STR device (Column 5, line 4 discloses that reading device 404 of FIG. 4 scans identification token 412).

**As per claims 30**, Moskowitz et al. discloses that a first computer is a retailer central computer (Column 6, lines 20-31 discloses a kiosk in a retail environment, where client computer 406 is a central computer).

**As per claim 32**, Moskowitz et al. discloses product-identification-information comprises at least one member from the group consisting of: (a) product model number; (b) product serial number; (c) rebate promotion code; (d) product name; (e) identification code; (f) proof-of-purchase code; and (g) an electronic address; and (f) a URL link. (Column 5, lines 6-7 discloses a universal product code (UPC), construed to be identification code).

**As per claims 33**, Moskowitz et al. discloses rebate claim information comprises at least one member from the group consisting of: (a) customer name; (b) customer's financial institution tracking number; (c) customer's account number at customer's financial institution; (d) customer's mailing address; (e) customer's e-mail address; (f) customer's phone number; (g) customer's credit card number; (h) customer's debit card number; (i) a pin code; (j) an authorization code; (k) customer's electronic signature; (l) product model number; (m) product serial number; (n) rebate promotion code; (o) product name; (p) an electronic address; (q) proof-of-purchase code; (r) date of purchase; (s) time of purchase; (t) product identification code; (u) product information; (v) retailer name; (w) retailer location; (x) retailer identification code; and (y) transaction code (Column 5, lines 62-67 discloses the user address gets encoded onto the bar code and becomes part of the rebate claim information via the product evaluation form).

**As per claim 37**, Moskowitz et al. discloses a method for electronically making a rebate claim, said method comprising:

providing at least one electronic reading device configured to retrieve information from at least one electronic tag associated with a product being purchased by a customer at a point of sale (FIG 4 shows the electronic reading device 404, retrieving information from product 402, and barcode 412 (tag));

configuring a first computer, communicating with said electronic reading device to retrieve rebate-claim-tag-information from at least one electronic tag associated with said product (FIG. 4 shows computer 406, retrieving information for product 402 via the electronic reading device 404);

configuring said first computer further to acquire rebate-claim-information (Column 6, lines 10-14 discloses a scenario where the user gets a rebate for providing product identification information (via the product evaluation form shown in FIG. 5) such as purchase location, which was disclosed as being provided by the receipt identification from a first computer as well);

configuring said first computer to acquire rebate-claim-customer-information (Column 6, lines 10-14 discloses a scenario where the user gets a rebate for customer information (via the product evaluation form shown in FIG. 5) such as age and income level);

initiating a data transfer to a second computer wherein said data transfer comprises at least one of said rebate-claim-tag-information, said rebate-claim-retailer-information and said rebate-claim-customer-information (Column 6, lines 10-14

discloses a scenario where the user gets a rebate for customer information (via the product evaluation form shown in FIG. 5) such as age and income level); and wherein said transfer is initiated while said customer is at said point of sale (FIG 4 shows product 402 with a single RFID, and reading device 404 at the point of sale computer 406).

**As per claim 38**, Moskowitz et al. discloses rebate-claim-tag-information is at least one member from the group consisting of: (a) product model number; (b) product serial number; (c) rebate promotion code; (d) product name; (e) an electronic address; and (f) proof-of-purchase code (Column 5, lines 6-7 discloses a universal product code (UPC), construed to be proof of purchase code).

**As per claim 39**, Moskowitz et al. discloses rebate-claim-customer-information is at least one member from the group consisting of: (a) customer name; (b) a financial institution tracking number; (c) an account number at a financial institution; (d) customer's mailing address; (e) customer's e-mail address; (f) customer's phone number; (g) customer's credit card number; (h) customer's debit card number; (i) a pin code; (j) an authorization code; (k) customer's electronic signature; and (l) an electronic address (Column 15, lines 60-67 discloses an e-mail notification of the rebate status is sent to the user via the customer's email address).

**As per claim 40**, Moskowitz et al. discloses rebate-claim-retailer-information is at least one member from the group consisting of: (a) product model number; (b) product serial number; (c) rebate promotion code; (d) product name; (e) an electronic address; and (f) proof-of-purchase code; (g) date of purchase; (h) time of purchase; (i)

retailer name; (j) retailer location; (k) retailer identification code; and (l) transaction code (Column 6, lines 10-14 discloses a scenario where the user gets a rebate for providing retailer information (via the product evaluation form shown in FIG. 5) such as date of purchase).

**As per claim 41**, Moskowitz et al. discloses that the electronic tag is an RFID smart tag (Column 5, lines 25-26 discloses that identification token 412 of FIG. 4 is a radio frequency identification tag (RFID)) and the electronic reading device is an RFID STR device (Column 5, line 4 discloses that reading device 404 of FIG. 4 scans identification token 412).

**As per claim 46**, Moskowitz et al. discloses a method for electronically making a rebate claim, said method comprising:

retrieving information from an electronic tag associated with a product being purchased by a customer at a point of sale (FIG 4 shows the electronic reading device 404, retrieving information from product 402, and barcode 412 (tag));

acquiring rebate-claim-information (Column 6, lines 10-14 discloses a scenario where the user gets a rebate for providing product identification information (via the product evaluation form shown in FIG. 5) such as purchase location, which was disclosed as being provided by the receipt identification from a first computer as well);

initiating the transfer of said rebate-claim-information to a rebate-claim-processing computer while said computer is at a point of sale (FIG 4 shows product 402 with a single RFID, and reading device 404 at the point of sale computer 406 and transferring the data to computer 410 (rebate-claim-processing computer)).

**As per claim 47**, Moskowitz et al. discloses that the electronic tag is an RFID smart tag (Column 5, lines 25-26 discloses that identification token 412 of FIG. 4 is a radio frequency identification tag (RFID)) and the electronic reading device is an RFID STR device (Column 5, line 4 discloses that reading device 404 of FIG. 4 scans identification token 412).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 8-10, 12-17, 21, 26, 31, 34-36, 42-45, 48-54, 58-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz et al. (US 2003/0164979), in view of Packes Jr. et al. (US 7,006,983).**

**As per claims 8**, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a first computer is configured to receive rebate status information.

Packes Jr. et al. teaches a method and system for processing a rebate having a first computer which is configured to receive rebate status information (Column 15, lines 60-64 discloses a consumer is able to receive rebate status information via a web site (PCs, PDAs etc. or at a kiosk)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include a first computer configured to receive rebate status information as taught by Packes Jr. et al. in order to provide consumers with access to their rebate information.

**As per claims 9**, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a first computer is further configured to generate at least one of (a) rebate status documentation comprising at least part of said rebate status information wherein said rebate status documentation is given to the customer at the point of sale and (b) a receipt comprising at least part of said rebate status information wherein said receipt is given to the customer at the point of sale.

Packes Jr. et al. teaches a method and system for processing a rebate having a first computer is further configured to generate at least one of (a) rebate status documentation comprising at least part of said rebate status information wherein said rebate status documentation is given to the customer at the point of sale (Column 15, lines 60-64 discloses a consumer is able to receive rebate status information via a kiosk at a point of sale) and (b) a receipt comprising at least part of said rebate status information wherein said receipt is given to the customer at the point of sale (Column 12, lines 54-60 discloses a rebate information getting printed in a barcode on a receipt).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include rebate updates at a POS and receipts containing rebate information as taught by Packes Jr. et al. in order

to provide consumers with access to their rebate information at the POS so that they can make use of offers appropriately.

**As per claims 10**, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose rebate status information comprises at least one member from the group consisting of: (a) rebate claim accepted notice; (b) rebate claim denied notice; (c) rebate claim denied code; (d) rebate claim reference code; (e) EFT transaction code; (g) e-mail notice; and (h) rebate check number.

Packes Jr. et al. teaches a method and system for processing a rebate having rebate status information comprises at least one member from the group consisting of: (a) rebate claim accepted notice; (b) rebate claim denied notice; (c) rebate claim denied code; (d) rebate claim reference code; (e) EFT transaction code; (g) e-mail notice; and (h) rebate check number (Column 10, lines 21-26 discloses a scenario for being able to deny a consumer when the consumer tries to redeem both a mail-in rebate and a POS rebate. It says the manufacturer will not issue a rebate check).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include rebate status information comprises at least one member from the group consisting of: (a) rebate claim accepted notice; (b) rebate claim denied notice; (c) rebate claim denied code; (d) rebate claim reference code; (e) EFT transaction code; (g) e-mail notice; and (h) rebate check number as taught by Packes Jr. et al. in order to prevent and to inform customers that they can not use a single rebate offer twice.

**As per claims 12**, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a second computer is one of (a) a manufacturer central computer and (b) a rebate processing center central computer.

Packes Jr. et al. teaches a method and system for processing a rebate having second computer is one of (a) a manufacturer central computer (Column 3, lines 44-45 discloses manufacturer server 105 of FIG. 1) and (b) a rebate processing center central computer (Column 12, lines 52-62 discloses redemption process 700 shown in FIG. 7 and the rebate processing center being a POS, along with its associated computing devices such as a computer connected to the internet).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include a second computer is one of (a) a manufacturer central computer and (b) a rebate processing center central computer as taught by Packes Jr. et al. in order to provide a system in which the product rebates is integrally tied to the manufacturers.

**As per claim 13**, Moskowitz et al. discloses an electronic rebate system comprising:  
at least one electronic reading device configured to retrieve information stored in an electronic tag associated with a product being purchased by a customer at a point of sale (FIG 4 shows product 402 with a single RFID, and reading device 404 at the point of sale computer 406); a first computer in communication with said electronic reading device to

retrieve said product-identification-information stored in an electronic tag associated with a product being purchased by a customer at a point of sale (FIG. 4 shows computer 406, retrieving information for product 402);  
said first computer further configured to use said product-identification-information to acquire rebate-claim-information (Column 6, lines 10-14 discloses a scenario where the user gets a rebate for providing product identification information (via the product evaluation form shown in FIG. 5) such as purchase location, which was disclosed as being provided by the receipt identification from a first computer as well);  
and  
said first computer further configured to communicate with a second computer and to transfer to said second computer said rebate-claim-information and wherein said transfer occurs substantially contemporaneous with the purchase (FIG. 1 shows a first computer 104 in communication with a second computer, storage computer 106 which can store rebate-claim information until it needs to be accessed by client computers 108, 110 or 112 via the web).

However Moscovitz et al. fails to explicitly disclose a first computer further configured to receive rebate-claim status information from a remote computer and to present at least part of said rebate-claim-status information to said customer at a point of sale.

Packes Jr. et al. teaches a method and system for processing a rebate having a first computer further configured to receive rebate-claim status information from a remote computer and to present at least part of said rebate-claim-status information to

said customer at a point of sale (Column 15, lines 60-64 discloses a consumer is able to receive rebate status information via a kiosk at a point of sale).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include rebate updates at a POS as taught by Packes Jr. et al. in order to provide consumers with access to their rebate information at the POS so that they can make use of offers appropriately.

**As per claim 14**, Moskowitz et al. discloses that the electronic tag is an RFID smart tag (Column 5, lines 25-26 discloses that identification token 412 of FIG. 4 is a radio frequency identification tag (RFID)) and the electronic reading device is an RFID STR device (Column 5, line 4 discloses that reading device 404 of FIG. 4 scans identification token 412).

**As per claim 15**, The Moskowitz et al. and Packes Jr. et al. combination as applied to claim 13 discloses the elements of the claimed invention but fails to explicitly disclose that a second computer is one of a manufacturer central computer and a third party computer.

Moskowitz et al. discloses that a second computer is a third party computer (Column 3, lines 4-10 discloses network 102 a host of computers consisting of commercial, government, education and other computers (third party computers)).

Packes Jr. et al. further teaches a method and system for processing a rebate having a second computer is a manufacturer central computer (Column 3, lines 44-45 discloses manufacturer server 105 of FIG. 1).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to modify the Moskowitz et al. and Packes Jr. et al. combination to include a second computer is a manufacturer central computer as taught by Packes Jr. et al. in order to provide a system in which the product rebates is integrally tied to the manufacturers.

**As per claim 16**, Moskowitz et al. discloses that a second computer is a remote computer (FIG. 4 shows a first computer in communication with a second computer, server 410 (a remote computer) which receives information for client computer 406).

**As per claim 17**, The Moskowitz et al. and Packes Jr. et al. combination as applied to claim 13 discloses the elements of the claimed invention but fails to explicitly disclose that rebate status information comprises at least one member from the group consisting of: (a) rebate accepted notice; (b) rebate denied notice; (c) rebate denied code; (d) rebate reference code; (e) EFT transaction code; (f) e-mail notification notice; and (h) rebate check number.

Packes Jr. et al. teaches a method and system for processing a rebate having rebate status information comprise at least one member from the group consisting of: (a) rebate accepted notice; (b) rebate denied notice; (c) rebate denied code; (d) rebate reference code; (e) EFT transaction code; (f) e-mail notification notice; and (h) rebate check number (Column 15, lines 66-67 discloses e-mail notification of POS rebates).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to modify the Moskowitz et al. and Packes Jr. et al. combination to include e-mail notification of rebates as taught by Packes Jr. et al. in order to provide customer with an expedient way of being informed of rebates.

**As per claim 21**, Moskowitz et al. discloses that a second computer is a third party computer (Column 3, lines 4-10 discloses network 102 a host of computers consisting of commercial, government, education and other computers (third party computers)).

However, Moscovitz et al. fails to explicitly disclose that a second computer is a manufacturer central computer.

Packes Jr. et al. teaches a method and system for processing a rebate having a second computer is a manufacturer central computer (Column 3, lines 44-45 discloses manufacturer server 105 of FIG. 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Moskowitz et al. to include a second computer is one of a manufacturer central computer and a third party computer as taught by Packes Jr. et al. in order to provide a system in which the product rebates is integrally tied to the manufacturers.

**As per claims 26**, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a first computer is configured to transmit an electronic mail message to a predefined electronic mail address wherein said electronic mail message contains at least part of said rebate-claim-status information.

Packes Jr. et al. teaches a method and system for processing a rebate having a first computer is configured to transmit an electronic mail message to a predefined electronic mail address wherein said electronic mail message contains at least part of said rebate-claim-status information (Column 15, lines 60-67 discloses an e-mail notification of the rebate status is sent to the user).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Moskowitz et al. to include a first computer is configured to transmit an electronic mail message to a predefined electronic mail address wherein said electronic mail message contains at least part of said rebate-claim-status information as taught by Packes Jr. et al. in order to provide customers with an expedient means of getting rebate information.

**As per claim 31**, Moskowitz et al. discloses the elements of the third party computer (Column 3, lines 4-10 discloses network 102 a host of computers consisting of commercial, government, education and other computers (third party computers)).

However, Moscovitz et al. fails to explicitly disclose that a second computer is a manufacturer central computer.

Packes Jr. et al. teaches a method and system for processing a rebate having second computer is a manufacturer central computer (Column 3, lines 44-45 discloses manufacturer server 105 of FIG. 1).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to modify Moskowitz et al. to include a second computer is one of (a) a manufacturer central computer and a third party computer as taught by Packes Jr. et al. in order to provide a system in which the product rebates is integrally tied to the manufacturers.

**As per claims 34**, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a first computer is configured to receive rebate status information.

Packes Jr. et al. teaches a method and system for processing a rebate having a first computer which is configured to receive rebate status information (Column 15, lines 60-64 discloses a consumer is able to receive rebate status information via a web site (PCs, PDAs etc. or at a kiosk)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include a first computer configured to receive rebate status information as taught by Packes Jr. et al. in order to provide consumers with access to their rebate information.

**As per claims 35**, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose rebate status information comprises at least one member from the group consisting of: (a) rebate claim accepted notice; (b) rebate claim denied notice; (c) rebate claim denied code; (d) rebate claim reference code; (e) EFT transaction code; (g) e-mail notice; and (h) rebate check number.

Packes Jr. et al. teaches a method and system for processing a rebate having

rebate status information comprises at least one member from the group consisting of: (a) rebate claim accepted notice; (b) rebate claim denied notice; (c) rebate claim denied code; (d) rebate claim reference code; (e) EFT transaction code; (g) e-mail notice; and (h) rebate check number (Column 10, lines 21-26 discloses a scenario for being able to deny a consumer when the consumer tries to redeem both a mail-in rebate and a POS rebate. It says the manufacturer will not issue a rebate check).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include rebate status information comprises at least one member from the group consisting of: (a) rebate claim accepted notice; (b) rebate claim denied notice; (c) rebate claim denied code; (d) rebate claim reference code; (e) EFT transaction code; (g) e-mail notice; and (h) rebate check number as taught by Packes Jr. et al. in order to prevent and to inform customers that they can not use a single rebate offer twice.

**As per claims 36**, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a first computer is further configured to generate at least one of (a) rebate status documentation comprising at least part of said rebate status information wherein said rebate status documentation is given to the customer at the point of sale and (b) a receipt comprising at least part of said rebate status information wherein said receipt is given to the customer at the point of sale.

Packes Jr. et al. teaches a method and system for processing a rebate having

a first computer is further configured to generate at least one of (a) rebate status documentation comprising at least part of said rebate status information wherein said rebate status documentation is given to the customer at the point of sale (Column 15, lines 60-64 discloses a consumer is able to receive rebate status information via a kiosk at a point of sale) and (b) a receipt comprising at least part of said rebate status information wherein said receipt is given to the customer at the point of sale (Column 12, lines 54-60 discloses a rebate information getting printed in a barcode on a receipt).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include rebate updates at a POS and receipts containing rebate information as taught by Packes Jr. et al. in order to provide consumers with access to their rebate information at the POS so that they can make use of offers appropriately.

**As per claims 42**, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a second computer is one of (a) a manufacturer central computer and (b) a rebate processing center central computer.

Packes Jr. et al. teaches a method and system for processing a rebate having second computer is one of (a) a manufacturer central computer (Column 3, lines 44-45 discloses manufacturer server 105 of FIG. 1) and (b) a rebate processing center central computer (Column 12, lines 52-62 discloses redemption process 700 shown in FIG. 7 and the rebate processing center being a POS, along with its associated computing devices such as a computer connected to the internet).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include a second computer is one of (a) a manufacturer central computer and (b) a rebate processing center central computer as taught by Packes Jr. et al. in order to provide a system in which the product rebates is integrally tied to the manufacturers.

**As per claims 43**, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a first computer is configured to receive rebate status information.

Packes Jr. et al. teaches a method and system for processing a rebate having a first computer which is configured to receive rebate status information (Column 15, lines 60-64 discloses a consumer is able to receive rebate status information via a web site (PCs, PDAs etc. or at a kiosk)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include a first computer configured to receive rebate status information as taught by Packes Jr. et al. in order to provide consumers with access to their rebate information.

**As per claims 44**, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a first computer is further configured to generate at least one of (a) rebate status documentation comprising at least part of said rebate status information wherein said rebate status documentation is given to the customer at the point of sale and (b) a receipt comprising at least part of

said rebate status information wherein said receipt is given to the customer at the point of sale.

Packes Jr. et al. teaches a method and system for processing a rebate having a first computer is further configured to generate at least one of (a) rebate status documentation comprising at least part of said rebate status information wherein said rebate status documentation is given to the customer at the point of sale (Column 15, lines 60-64 discloses a consumer is able to receive rebate status information via a kiosk at a point of sale) and (b) a receipt comprising at least part of said rebate status information wherein said receipt is given to the customer at the point of sale (Column 12, lines 54-60 discloses a rebate information getting printed in a barcode on a receipt).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include rebate updates at a POS and receipts containing rebate information as taught by Packes Jr. et al. in order to provide consumers with access to their rebate information at the POS so that they can make use of offers appropriately.

**As per claims 45**, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose rebate status information comprises at least one member from the group consisting of: (a) rebate claim accepted notice; (b) rebate claim denied notice; (c) rebate claim denied code; (d) rebate claim reference code; (e) EFT transaction code; (g) e-mail notice; and (h) rebate check number.

Packes Jr. et al. teaches a method and system for processing a rebate having

rebate status information comprises at least one member from the group consisting of: (a) rebate claim accepted notice; (b) rebate claim denied notice; (c) rebate claim denied code; (d) rebate claim reference code; (e) EFT transaction code; (g) e-mail notice; and (h) rebate check number (Column 10, lines 21-26 discloses a scenario for being able to deny a consumer when the consumer tries to redeem both a mail-in rebate and a POS rebate. It says the manufacturer will not issue a rebate check).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include rebate status information comprises at least one member from the group consisting of: (a) rebate claim accepted notice; (b) rebate claim denied notice; (c) rebate claim denied code; (d) rebate claim reference code; (e) EFT transaction code; (g) e-mail notice; and (h) rebate check number as taught by Packes Jr. et al. in order to prevent and to inform customers that they can not use a single rebate offer twice.

**As per claims 48**, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a second computer is one of (a) a manufacturer central computer and (b) a rebate processing center central computer.

Packes Jr. et al. teaches a method and system for processing a rebate having second computer is one of (a) a manufacturer central computer (Column 3, lines 44-45 discloses manufacturer server 105 of FIG. 1) and (b) a rebate processing center central computer (Column 12, lines 52-62 discloses redemption process 700 shown in FIG. 7

and the rebate processing center being a POS, along with its associated computing devices such as a computer connected to the internet).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include a second computer is one of (a) a manufacturer central computer and (b) a rebate processing center central computer as taught by Packes Jr. et al. in order to provide a system in which the product rebates is integrally tied to the manufacturers.

**As per claims 49**, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a first computer is configured to receive rebate status information.

Packes Jr. et al. teaches a method and system for processing a rebate having a first computer which is configured to receive rebate status information (Column 15, lines 60-64 discloses a consumer is able to receive rebate status information via a web site (PCs, PDAs etc. or at a kiosk)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include a first computer configured to receive rebate status information as taught by Packes Jr. et al. in order to provide consumers with access to their rebate information.

**As per claims 50**, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a first computer is further configured to generate at least one of (a) rebate status documentation comprising at least part of said rebate status information wherein said rebate status documentation is

given to the customer at the point of sale and (b) a receipt comprising at least part of said rebate status information wherein said receipt is given to the customer at the point of sale.

Packes Jr. et al. teaches a method and system for processing a rebate having a first computer is further configured to generate at least one of (a) rebate status documentation comprising at least part of said rebate status information wherein said rebate status documentation is given to the customer at the point of sale (Column 15, lines 60-64 discloses a consumer is able to receive rebate status information via a kiosk at a point of sale) and (b) a receipt comprising at least part of said rebate status information wherein said receipt is given to the customer at the point of sale (Column 12, lines 54-60 discloses a rebate information getting printed in a barcode on a receipt).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include rebate updates at a POS and receipts containing rebate information as taught by Packes Jr. et al. in order to provide consumers with access to their rebate information at the POS so that they can make use of offers appropriately.

**As per claim 51**, Moskowitz et al. discloses a method for electronically processing a rebate claim, said method comprising:

associating at least one electronic tag device associated with products (Column 5, lines 25-26 discloses identification token 412 (of FIG. 4) is a radio frequency identification tag (RFID) on product 402), wherein each distinct product is associated with at least one electronic tag (FIG 4 shows product 402

with a single RFID)), and wherein said electronic tag stores product-information (Column 2, lines 6-9 discloses a receipt identification token corresponding to a purchased product provides identification information on purchase location, purchase price, etc.);

receiving a rebate claim comprising rebate-claim-information for a product being purchased by a customer at a point of sale (FIG. 4 shows computer 406, retrieving information (rebate-claim-information via the product evaluation form) from product 402).

However, Moscovitz fails to explicitly disclose evaluating the validity of said rebate claim using at least part of said rebate-claim-information; and

transmitting rebate-claim-status information to a computing device at the point of sale wherein at least part of said rebate-claim-status-information is presented to said customer at said point of sale.

Packes Jr. et al. teaches a method and system for processing a rebate which evaluates the validity of said rebate claim using at least part of said rebate-claim-information (Column 10, lines 21-22 discloses the consumer being prevented from redeeming both a mail-in rebate and a POS rebate when it pertains to the same promotion); and

transmits rebate-claim-status information to a computing device at the point of sale wherein at least part of said rebate-claim-status-information is presented to said

customer at said point of sale (Column 15, lines 60-64 discloses a consumer is able to receive rebate status information via a web site (PCs, PDAs etc. or at a kiosk)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include validation of rebate claims and transmission of rebate status as taught by Packes Jr. et al. in order to prevent fraud and to provide customers with an up to date information on their rebate status at points of sale.

**As per claims 52, and 60** Moskowitz et al. discloses the electronic tag device is an RFID smart tag (Column 5, lines 25-26 discloses that identification token 412 of FIG. 4 is a radio frequency identification tag (RFID).

**As per claim 53,** The Moskowitz et al. and Packes Jr. et al. combination as applied to claim 51 discloses the elements of the claimed invention, but fails to explicitly disclose that rebate-claim-status information is transmitted to a hand held computing device at the point of sale.

Packes Jr. et al. teaches a method and system for processing a rebate having rebate-claim-status information is transmitted to a hand held computing device at the point of sale (Column 15, lines 60-64 discloses a consumer is able to receive rebate status information via PDAs (hand held computing devices)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include rebate-claim-status information is transmitted to a hand held computing device at the point of sale as

taught by Packes Jr. et al. in order to provide consumers with access to their rebate information using portable computing devices.

**As per claims 54**, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a first computer is configured to transmit an electronic mail message to a predefined electronic mail address wherein said electronic mail message contains at least part of said rebate-claim-status information.

Packes Jr. et al. teaches a method and system for processing a rebate having a first computer is configured to transmit an electronic mail message to a predefined electronic mail address wherein said electronic mail message contains at least part of said rebate-claim-status information (Column 15, lines 60-67 discloses an e-mail notification of the rebate status is sent to the user).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Moskowitz et al. to include a first computer is configured to transmit an electronic mail message to a predefined electronic mail address wherein said electronic mail message contains at least part of said rebate-claim-status information as taught by Packes Jr. et al. in order to provide customers with an expedient means of getting rebate information.

**As per claim 58**, Moskowitz et al. discloses a method for electronically processing a rebate claim, said method comprising:

receiving a rebate claim comprising rebate-claim-information for a product being purchased by a customer at a point of sale (FIG. 4 shows computer 406, retrieving

information (rebate-claim-information via the product evaluation form) from product 402).

However, Moscovitz fails to explicitly disclose evaluating the validity of said rebate claim using at least part of said rebate-claim-information; and

transmitting rebate-claim-status information to a computing device at the point of sale wherein at least part of said rebate-claim-status-information is presented to said customer at said point of sale.

Packes Jr. et al. teaches a method and system for processing a rebate which evaluates the validity of said rebate claim using at least part of said rebate-claim-information (Column 10, lines 21-22 discloses the consumer being prevented from redeeming both a mail-in rebate and a POS rebate when it pertains to the same promotion); and

transmits rebate-claim-status information to a computing device at the point of sale wherein at least part of said rebate-claim-status-information is presented to said customer at said point of sale (Column 15, lines 60-64 discloses a consumer is able to receive rebate status information via a web site (PCs, PDAs etc. or at a kiosk)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include validation of rebate claims and transmission of rebate status as taught by Packes Jr. et al. in order to prevent fraud and to provide customers with an up to date information on their rebate status at points of sale.

**As per claim 59**, Moskowitz et al. discloses associating at least one electronic tag device associated with products (Column 5, lines 25-26 discloses identification token 412 (of FIG. 4) is a radio frequency identification tag (RFID) on product 402), wherein each distinct product is associated with at least one electronic tag (FIG 4 shows product 402 with a single RFID)), and wherein said electronic tag stores product-information (Column 2, lines 6-9 discloses a receipt identification token corresponding to a purchased product provides identification information on purchase location, purchase price, etc.).

**As per claims 61**, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a second computer is one of (a) a manufacturer central computer and (b) a rebate processing center central computer.

Packes Jr. et al. teaches a method and system for processing a rebate having second computer is one of (a) a manufacturer central computer (Column 3, lines 44-45 discloses manufacturer server 105 of FIG. 1) and (b) a rebate processing center central computer (Column 12, lines 52-62 discloses redemption process 700 shown in FIG. 7 and the rebate processing center being a POS, along with its associated computing devices such as a computer connected to the internet).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include a second computer is one of (a) a manufacturer central computer and (b) a rebate processing

center central computer as taught by Packes Jr. et al. in order to provide a system in which the product rebates is integrally tied to the manufacturers.

**As per claims 62**, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a first computer is configured to transmit an electronic mail message to a predefined electronic mail address wherein said electronic mail message contains at least part of said rebate-claim-status information.

Packes Jr. et al. teaches a method and system for processing a rebate having a first computer is configured to transmit an electronic mail message to a predefined electronic mail address wherein said electronic mail message contains at least part of said rebate-claim-status information (Column 15, lines 60-67 discloses an e-mail notification of the rebate status is sent to the user).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Moskowitz et al. to include a first computer is configured to transmit an electronic mail message to a predefined electronic mail address wherein said electronic mail message contains at least part of said rebate-claim-status information as taught by Packes Jr. et al. in order to provide customers with an expedient means of getting rebate information.

**6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz et al. (US 2003/0164979), in view of Holda-Fleck (US 5,729,693).**

**As per claim 24**, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a first computer is further configured to initiate an electronic fund transfer from a first bank account into a second bank account in the amount of the rebate.

Holda-Fleck Jr. et al. teaches a system and method to automatically provide an electronic consumer rebate having a first computer configured to initiate an electronic fund transfer from a first bank account into a second bank account in the amount of the rebate (Column 2, lines 32-33 discloses electronic funds transfer to the bank account of the consumer, from the bank account of the manufacturer or the retailer).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include a first computer configured to initiate an electronic fund transfer from a first bank account into a second bank account in the amount of the rebate as taught by Holda-Fleck in order to provide consumers with automatic rebates.

**7. Claims 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz et al. (US 2003/0164979), in view of Holda-Fleck (US 5,729,693) as applied to claim 24, and further in view of Abecassis (US 5,426,281).**

**As per claim 25,** The Moskowitz et al. and Holda-Fleck combination as applied to claim 24 discloses the elements of the claimed invention but fails to explicitly disclose that the electronic fund transfer is an automated clearing house transfer.

Abecassis teaches a transaction protection system where the electronic fund transfer is an automated clearing house transfer (Column 1, lines 65-66 and column 2, lines 1-2 discloses an electronic funds transfer system where the credit transactions get transmitted to a clearing house).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Moskowitz et al. and Holda-Fleck combination to include electronic fund transfer via an automated clearing house transfer as taught by Abecassis in order to provide a clearing house to allow the rebate funds a three day period to clear, giving the manufacturer or retailer sufficient time to align their internal systems.

**8. Claims 55, 56, 63, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz et al. (US 2003/0164979), in view of Packes Jr. et al. (US 7,006,983), further in view of Holda-Fleck (US 5,729,693).**

**As per claims 55**, the Moskowitz et al. and Packes Jr. et al. combination discloses the elements of the claimed invention, but fails to explicitly disclose that a first computer is further configured to initiate an electronic fund transfer from a first bank account into a second bank account in the amount of the rebate.

Holda-Fleck Jr. et al. teaches a system and method to automatically provide an electronic consumer rebate having a first computer configured to initiate an electronic fund transfer from a first bank account into a second bank account in the amount of the rebate (Column 2, lines 32-33 discloses electronic funds transfer to the bank account of the consumer, from the bank account of the manufacturer or the retailer).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Moskowitz et al. and Packes Jr. et al. combination to include a first computer configured to initiate an electronic fund transfer from a first bank account into a second bank account in the amount of the rebate as taught by Holda-Fleck in order to provide consumers with automatic rebates.

**As per claims 56**, the Moskowitz et al. and Packes Jr. et al. combination discloses the elements of the claimed invention, but fails to explicitly disclose that the electronic fund transfer is an automated clearing house transfer.

Holda-Fleck Jr. et al. teaches a system and method to automatically provide an

electronic consumer rebate having that the electronic fund transfer is an automated clearing house transfer (Column 2, lines 32-33 discloses electronic funds transfer to the bank account of the consumer, from the bank account of the manufacturer or the retailer. This exchange of funds/checks is what clearing houses do).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Moskowitz et al. and Packes Jr. et al. combination to include electronic fund transfer as an automated clearing house transfer as taught by Holda-Fleck in order to promote banking alliances.

**As per claims 63**, the Moskowitz et al. and Packes Jr. et al. combination discloses the elements of the claimed invention, but fails to explicitly disclose that a first computer is further configured to initiate an electronic fund transfer from a first bank account into a second bank account in the amount of the rebate.

Holda-Fleck Jr. et al. teaches a system and method to automatically provide an electronic consumer rebate having a first computer configured to initiate an electronic fund transfer from a first bank account into a second bank account in the amount of the rebate (Column 2, lines 32-33 discloses electronic funds transfer to the bank account of the consumer, from the bank account of the manufacturer or the retailer).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Moskowitz et al. and Packes Jr. et al. combination to include a first computer configured to initiate an electronic fund transfer from a first bank account into a second bank account in the amount of the rebate as taught by Holda-Fleck in order to provide consumers with automatic rebates.

**As per claims 64**, the Moskowitz et al. and Packes Jr. et al. combination discloses the elements of the claimed invention, but fails to explicitly disclose that the electronic fund transfer is an automated clearing house transfer.

Holda-Fleck Jr. et al. teaches a system and method to automatically provide an electronic consumer rebate having that the electronic fund transfer is an automated clearing house transfer (Column 2, lines 32-33 discloses electronic funds transfer to the bank account of the consumer, from the bank account of the manufacturer or the retailer. This exchange of funds/checks is what clearing houses do).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Moskowitz et al. and Packes Jr. et al. combination to include electronic fund transfer as an automated clearing house transfer as taught by Holda-Fleck in order to promote banking alliances.

**9. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz et al. (US 2003/0164979), in view of Packes Jr. et al. (US 7,006,983), and further in view of Carlson et al. (US 4,758,714).**

**As per claim 57**, the Moskowitz et al. and Packes Jr. et al. combination discloses the elements of the claimed invention, but fails to explicitly disclose that the status of said electronic fund transfer transaction is indicated on a receipt given to the customer at the point of sale.

Carlson et al. teaches a point-of-sale mechanism having the status of said

electronic fund transfer transaction is indicated on a receipt given to the customer at the point of sale (Column 9, lines 56-65 discloses the cancelled EFT check is presented to the customer as his receipt at the point of sale).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Moskowitz et al. and Packes Jr. et al. combination to include the status of said electronic fund transfer transaction is indicated on a receipt given to the customer at the point of sale as taught by Carlson et al. in order to provide consumers with automatic rebates.

**10. Claims 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz et al. (US 2003/0164979), in view of Packes Jr. et al. (US 7,006,983, in view of Holda-Fleck (US 5,729,693) as applied to claim 63, in view of Abecassis (US 5,426,281) as applied to claim 64, and further in view of Carlson et al. (US 4,758,714).**

**As per claim 65**, the Moskowitz et al. Packes Jr. et al., Holda-Fleck, and Abecassis combination discloses the elements of the claimed invention, but fails to explicitly disclose that the status of said electronic fund transfer transaction is indicated on a receipt given to the customer at the point of sale.

Carlson et al. teaches a point-of-sale mechanism having the status of said electronic fund transfer transaction is indicated on a receipt given to the customer at the point of sale (Column 9, lines 56-65 discloses the cancelled EFT check is presented to the customer as his receipt at the point of sale).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to modify the Moskowitz et al., Packes Jr. et al., Holda-Fleck, and Abecassis combination to include the status of said electronic fund transfer transaction is indicated on a receipt given to the customer at the point of sale as taught by Carlson et al. in order to provide consumers with automatic rebates.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Quinlan; Chris et al. (US 6748365) discloses a method and system for redeeming product marketing rebates.

McCarthy; Patrick D. (US 5202826) discloses a centralized consumer cash value accumulation system for multiple merchants.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney M. Henry whose telephone number is 571-270-5102. The examiner can normally be reached on Monday through Thursday from 7:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Lynda Jasmin/  
Supervisory Patent Examiner, Art Unit 4127